

Court of Appeals, Division One
Civil Appeal

1 CA-CV 16-0035

WHITESTONE v. JADE PALACE et al

Appellate Case Information

Case Filed: 20-Jan-2016
Case Closed:

Dept/Composition

Side 1. WHITESTONE SHOPS AT PINNACLE PEAK, L.L.C., a Delaware limited liability company, Plaintiff/Appellant
(Litigant Group) WHITESTONE

- Whitestone Shops At Pinnacle Peak LLC

Co-Counsel for: Plaintiff/Appellant

Penn C Huston, Esq. (TX Bar No. 00796804)
Kevin M Clark, Esq. (TX Bar No. 24055312)
David J Cantelme, Esq. (AZ Bar No. 6313)
D Aaron Brown, Esq. (AZ Bar No. 22133)

Side 2. JADE PALACE, INC., a dissolved Arizona corporation; DAVLEN MEI and JANE DOE MEI, husband and wife; JOHN DOES I-X, JANE DOES I-X, ABC PARTNERSHIPS I-X; and XYZ CORPORATIONS OR OTHER ENTITIES I-X; UNKNOWN HEIRS AND DEVISES OF THE ABOVE-NAMED DEFENDANTS, IF DECEASED; and DMEI MILLER, LLC, an Arizona limited liability company, Defendant/Appellee

(Litigant Group) JADE PALACE et al

- Jade Palace
- Davlen Mei
- Dmei Miller LLC

Attorneys for: Defendants/Appellees

Franklyn D Jeans, Esq. (AZ Bar No. 4657)
Cassandra H Ayres, Esq. (AZ Bar No. 25937)

CASE STATUS

Oct 24, 2016.....At Issue

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2013-007298	Motion for Summary Judgment; Applications for Attorney's Fees; Motion for New Trial		John Christian Rea, Authoring Judge of Order		

PENDING MATTER

Div 1 Request for Oral Argument

Filed: 5-Dec-2016

Appellant's Request for Oral Argument (Appellant)

42 PROCEEDING ENTRIES

1.	20-Jan-2016	FILED: Index of Record, Notice of Appeal filed in Maricopa County Superior Court 12/22/15
2.	20-Jan-2016	FILED: e-Record on Appeal: Combined Instruments/Minute Entries Exhibits: Not Transmitted At This Time
3.	20-Jan-2016	FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4.	1-Feb-2016	RECEIPT No.: 2016-00124 ; \$280.00, Check Number: 200080805, Applied to: WHITESTONE - Class A Filing Fee (\$280.00) Paid for: - By King & Spalding LLP
5.	3-Feb-2016	FILED: Notice of Appearance; Certificate of Service of Notice of Appearance (Appellant)
6.	8-Feb-2016	FILED: Reporter's Transcript - 06/08/2015 - Trial Day 1 (Jennifer Pancratz); Reporter's Transcript - 06/09/2015 - Trial Day 2 (AM) (Robin G Bobbie); Reporter's Transcript - 06/09/2015 - Trial Day 2 (PM) (Jennifer Pancratz); Reporter's Transcript - 06/10/2015 - Trial Day 3 (Robin G Bobbie); Reporter's Transcript - 06/11/2015 - Trial Day 4 (Jennifer Pancratz) (Appellant)
7.	8-Feb-2016	FILED: Order Granting Pro Hac Vice Application; Certificate of Good Standing; Application for Pro Hac Vice Admission (Appellant)
8.	9-Feb-2016	FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
9.	9-Feb-2016	RECEIPT No.: 2016-00177 ; \$280.00, Authorization: #39018834822, Applied to: WHITESTONE - Overpayment Class A (\$280.00) Paid for: Cantelme & Brown PLC - By Cantelme & Brown PLC (Memo: Duplicate Pmt - See Rcpt 2016-00124 - Refund Needed)

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10. 9-Feb-2016 RECEIPT No.: 2016-00182 ; \$280.00, Authorization: #39018834822, Applied to: WHITESTONE - Overpayment Class A (\$280.00) Paid for: Cantelme & Brown PLC - By Integrated Resource Systems IN (Memo: X-Ref 2016-00177 Duplicate Pmt - See Rcpt 2016-00124 - Refund Needed)
11. 9-Feb-2016 VOID RECEIPT No.: 2016-00177 - \$-280.00, Authorization: #39018834822, - Applied to: WHITESTONE - Overpayment Class A (\$-280.00) Paid for: Cantelme & Brown PLC - By: Cantelme & Brown PLC (Memo: Duplicate Pmt - See Rcpt 2016-00124 - Refund Needed) VOID Reason: x-ref 2016-00177 incorrect paid by. alc
12. 9-Feb-2016 FILED: Case Management Statement (Appellant)
13. 9-Feb-2016 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellee)
14. 11-Feb-2016 RECEIPT No.: 2016-00192 ; \$280.00, Authorization: #41014816974, Applied to: WHITESTONE - Overpayment Class A (\$280.00) Paid for: King & Spalding LLP - By Integrated Resource Systems IN (Memo: Duplicate Pmt - See Rcpt 2016-00124 - Refund needed)
15. 12-Feb-2016 RECEIPT No.: 2016-00203 ; \$140.00, Authorization: #42017182627, Applied to: JADE PALACE et al - Class B Filing Fee (\$140.00) Paid for: Beus Gilbert PLLC - By Integrated Resource Systems IN
16. 12-Feb-2016 ORDERED: staying this appeal to/including 3/28/16 and revesting jurisdiction in Maricopa Superior Court to consider application by appellant for a signed judgement with a certification of finality pursuant to Rule 54 (c). FURTHER ORDERED: If superior court grants application, appellant shall file a copy of signed judgment w/in 10 days after its entry. Appeal will be automatically reinstated. FURTHER ORDERED: If appeal has not been reinstated, appellant shall file a request to continue stay or appeal my be dismissed. FURTHER ORDERED: If a signed judgment has been filed, opening brief shall be due on 5/5/16. Barbara Vidal Vaught ProTem Judge - Author
17. 7-Mar-2016 FILED: Letter, 3/7/16, COA1 to Cantelme & Brown PLC re: refund of monies submitted in error
18. 7-Mar-2016 FILED: Letter, 3/7/16, COA1 to King & Spalding LLP re: refund of monies submitted in error
19. 28-Mar-2016 FILED: Request to Continue Stay of the Appeal; Certificate of Service; Exhibit 1 - Application for Revised Judgment; Exhibit 2 - Notice of Non-Objection (Appellant)
20. 29-Mar-2016 ORDERED: Request to Continue Stay of the Appeal; Exhibit 1 - Application for Revised Judgment; Exhibit 2 - Notice of Non-Objection (Appellant) = GRANTED/continuing stay of appeal. FURTHER ORDERED: Directing appellant to advise this court promptly of any ruling on application and to file written notice w/ this court of status of application on/before 4/28/16. Barbara Vidal Vaught ProTem Judge - Author
21. 20-Apr-2016 FILED: Notice of Ruling on Application for Revised Judgment; Certificate of Service; Exhibit 1 - Revised Judgment (Appellant)
22. 20-Apr-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including signed Final Judgment Pursuant to Rule 54(c) filed 4/6/16)
23. 22-Apr-2016 ORDERED: Notice of Ruling on Application for Revised Judgment (Appellant) = GRANTED/reinstating this appeal. FURTHER ORDERED: Opening brief shall be filed on/before 5/20/16. Melina Brill ProTem Judge - Author
24. 25-Apr-2016 FILED: Reporter's Transcript – 05/08/2015 - Oral Argument (Laura I Blair) (Appellant)
25. 25-Apr-2016 FILED: Reporter's Transcript – 05/29/2015 - Trial Management Conference (Dorothy Gravelle) (Appellant)
26. 26-Apr-2016 FILED: Appellants Motion to Extend Time for Filing Opening Brief; Certificate of Service (Appellant)
27. 28-Apr-2016 ORDERED: Appellants Motion to Extend Time for Filing Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 05-20-2016 to Monday, 06-20-2016. Melina Brill ProTem Judge - Author
28. 29-Apr-2016 FILED: Notice of Filing of Transcripts; Reporter's Transcript – 06/08/2015 - Jury Trial Day 1 (Jennifer Pancratz); Reporter's Transcript – 06/09/2015 - Jury Trial Day 2 (Jennifer Pancratz) (Appellee)
29. 29-Apr-2016 FILED: Notice of Filing of Transcripts; Reporter's Transcript – 06/10/2015 - Jury Trial Day 3 (Robin G Bobbie); Reporter's Transcript – 06/11/2015 - Jury Trial Day 4 (Jennifer Pancratz); Certificate of Service (Appellee)
30. 5-May-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Plaintiff's Amended Notice of Appeal filed 4/19/16)
31. 20-Jun-2016 FILED: Opening Brief of Plaintiff/Appellant Whitestone Shops at Pinnacle Peak, LLC; Certificate of Compliance of the Opening Brief of Plaintiff/Appellant Whitestone Shops at Pinnacle Peak, LLC; Certificate of Service of the Opening Brief, Appendix, and Certificate of Compliance of Plaintiff/Appellant Whitestone Shops at Pinnacle Peak, LLC (Appellant)

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| 32. | 1-Aug-2016 | FILED: Procedural Motion: Motion for Extension of Time to File Opening Brief (Answering Brief); Certificate of Service (Appellee) |
| 33. | 3-Aug-2016 | ORDERED: Procedural Motion: Motion for Extension of Time to File Opening Brief [sic] (Appellee) = GRANTED/Answering Brief due date EXTENDED from Monday, 08-08-2016 to Tuesday, 09-06-2016. Melina Brill ProTem Judge - Author |
| 34. | 6-Sep-2016 | FILED: Answering Brief of Appellees; Certificate of Compliance; Certificate of Service (Appellees) |
| 35. | 6-Sep-2016 | FILED: Appendix to Appellees' Answering Brief (Appellees) |
| 36. | 22-Sep-2016 | FILED: Appellants Motion to Extend Time for Filing Reply to Appellees Answering Brief; Appellants Certificate of Service of its Motion to Extend Time for Filing Reply Brief (Appellant) |
| 37. | 26-Sep-2016 | ORDERED: Appellants Motion to Extend Time for Filing Reply to Appellees Answering Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 10-03-2016 to Monday, 10-24-2016. Melina Brill ProTem Judge - Author |
| 38. | 24-Oct-2016 | FILED: Reply to Answering Brief of Defendants/Appellees; Certificate of Compliance of the Reply Brief of Plaintiff/Appellant Whitestone Shops at Pinnacle Peak, LLC; Certificate of Service of the Reply Brief and Certificate of Compliance of Plaintiff/Appellant Whitestone Shops at Pinnacle Peak, LLC (Appellant) |
| 39. | 3-Nov-2016 | FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days |
| 40. | 14-Nov-2016 | FILED: Supplemented Superior Court e-Record with Revised Index of Record |
| 41. | 14-Nov-2016 | FILED: Additional Record on Appeal:
Exhibits: HD 06/08/2015 - LIST # 1 2 3 4 5 6 7 10 11 12 14 17 19 20 22 in a Manila Envelope |
| 42. | 5-Dec-2016 | FILED: Appellant's Request for Oral Argument; Certificate of Service for Request for Oral Argument (Appellant) |